

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DENNIS DAYE,)
Petitioner,)
v.) Civil Action No. 04-12045-RGS
KATHLEEN M. DENNEHY,)
Respondent.)

)

**JOINT MOTION TO EXTEND TIME
FOR RESPONDING TO
PETITION FOR WRIT OF HABEAS CORPUS**

Dennis Daye, the petitioner in the above-captioned matter, and Kathleen M. Dennehy, the respondent in the above-captioned matter, hereby jointly submit this motion for an extension of the time in which the respondent may respond to the petition for a writ of habeas corpus filed by the petitioner for a period of thirty (30) days, until and including February 7, 2005.¹ As grounds for this motion, the parties state that counsel for the respondent and counsel for the petitioner are attempting to reach an agreement on certain issues raised by the petition for a writ of habeas corpus, in hopes of avoiding the need for motion practice before this Court. While counsel for the petitioner had hoped to be able to obtain certain necessary information during the duration of the first extension period, she has been unable to do so based on, *inter alia*, the absence of important documents from the state court's file. Extending the deadline for responding to the petition until February 7, 2005, will give counsel the opportunity to work to resolve the issues

¹ February 7th is the first business day after the expiration of the thirty-day period, which ends on a Sunday.

which arise from the filing of the habeas petition. Moreover, granting the motion will not cause prejudice to any party and will not unduly delay the proceedings.

WHEREFORE, the parties respectfully request that this Court extend the deadline in which the respondent may respond to the petition for habeas corpus until and including February 7, 2005.

Respectfully submitted,

DENNIS DAYE,

By his attorney,

/s/ Rosemary Curran Scapicchio (by MDM)
Rosemary Curran Scapicchio
Four Longfellow Place, Suite 3703
Boston, Massachusetts 02114
(617) 263-7400

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Maura D. McLaughlin
Maura D. McLaughlin
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Criminal Bureau
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Dated: January 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon Rosemary Curran Scapicchio, Esq., counsel for the petitioner, Dennis Daye, on January 4, 2005, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, as follows: Rosemary Curran Scapicchio, Esq., Four Longfellow Place, Suite 3703, Boston, Massachusetts 02114.

Maura D. McLaughlin